Calendar No. 153

99TH CONGRESS
1st Session

SENATE

REPORT
99-72

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROGRAM SUPPORT AUTHORIZATION ACT

MAY 22 (legislative day, APRIL 15), 1985.—Ordered to be printed

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Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 990]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 990) to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, having considered the same, reports favorably thereon with amendments and recommends that the bill do pass.

PURPOSE OF BILL

The purpose of this bill is to authorize appropriations for general program support and certain ocean and coastal activities of the National Oceanic and Atmospheric Administration (NOAA) for fiscal years 1986 and 1987. S. 990 authorizes $241,679,000 for fiscal year 1986 and $252,554,965 for fiscal year 1987. This bill will also allow the Committee to consider, guide, and direct activities in NOAA's general program support and ocean and coastal programs.

BACKGROUND AND NEEDS

This bill is one of a series which together provide a comprehensive authorization for NOAA under the Department of Commerce.

NOAA was created by Executive order in 1970 with the primary responsibility for most of the Federal Government's civilian research, service and regulatory programs affecting the Nation's oceans and atmosphere. The work of NOAA is critical for efficient

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weather forecasting and the sound management and productive use of the Nation's ocean and coastal resources.

Included among these programs are those administered by the National Weather Service, the National Ocean Service, the National Marine Fisheries Service, the National Environmental Satellite, Data, and Information Service, and the Office of Oceanic and Atmospheric Research.

LEGISLATIVE HISTORY

The Committee held hearings on S. 990 on May 3, 1985. Testimony on ocean and coastal activities and general program support included in this bill was received from NOAA personnel. The Committee reported S. 990 without objection on May 9, 1985.

SUMMARY OF MAJOR PROVISIONS

The National Oceanic and Atmospheric Administration Program Support Authorization Act includes two statutes which require reauthorization for fiscal year 1986 as well as those programs which are under standing authorization. The bill contains a 2-year reauthorization for the following acts:

(1) Title II of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1441 et seq.); and

(2) The National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.); and

(3) The National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857–13 et seq.).

Authorizations of appropriations for fiscal years 1986 and 1987 are provided for program support and most of the ocean and coastal programs in NOAA which are currently under standing authorization. The following budget subactivities are covered:

(1) Executive direction and administration;
(2) Marine services;
(3) Aircraft services;
(4) Ocean research;
(5) Nonliving marine resources;
(6) Ocean services; and
(7) Mapping, charting and geodesy.

The bill imposes a freeze on spending for these programs, capping the fiscal year 1986 authorization level at the 1985 appropriation level and allowing a 4.5 percent increase for fiscal year 1987. It does not address fiscal year 1985 pay increases or adjustments to base that are currently under consideration.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 17, 1985.

Hon. JOHN C. DANFORTH,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 990, the National Oceanic and Atmospheric Administration Program Support Authorization Act.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 990.

2. Bill title: The National Oceanic and Atmospheric Administration Program Support Authorization Act.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, May 9, 1985.

4. Bill purpose: The bill authorizes appropriations of $241.68 million and $252.05 million for fiscal years 1986 and 1987, respectively, to the National Oceanic and Atmopsheric Administration for programs under its purview. These programs include marine, ocean, and aircraft services, ocean pollution planning, ocean and ocean dumping research, and mapping, charting, and geodesy programs.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Authorization level	241.7	252.6			
Estimated outlays	164.4	237.0	75.5	12.4	5.0

Basis of estimate: For purposes of this estimate, it has been assumed that all amounts authorized will be appropriated prior to the start of each fiscal year. Outlays reflect historical spending patterns for these programs.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Reis.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

S. 990, as reported, provides the vehicle to authorize appropriations previously funded pursuant to standing authorization and will result in no new regulatory burdens.

It will result in no additional regulation and will therefore have no further effect on the number or type of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

Section 1.—Short title

The first section of the bill provides that the act may be cited as the "National Oceanic and Atmospheric Administration Program Support Authorization Act".

Section 101.—Executive direction and administration

This section authorizes $47,954,000 to be appropriated in fiscal year 1986 and $50,111,930 in fiscal year 1987 for executive direction and administration. This budget subactivity has in the past been carried out pursuant to the standing authorization: "An act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes" (33 U.S.C. 857-1). This authorization may also be used to cover duties relating to executive direction and administration specified by any other existing statute.

Section 102.—Marine services

This section authorizes appropriations of $64,886,000 in fiscal year 1986 and $67,805,870 in fiscal year 1987 for operation, maintenance, and support of vessels essential to NOAA's ocean, coastal, and atmospheric research. This budget subactivity has in the past been carried out pursuant to the standing authorization in "An act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes" (33 U.S.C. 883a). It provides funds for NOAA-wide marine services that may also be used to cover NOAA's marine duties specified by any other statute.

Section 103.—Aircraft services

This section authorizes appropriations of $12,744,000 in fiscal year 1986 and $13,317,480 in fiscal year 1987 for operation, maintenance, and support of aircraft essential to NOAA's ocean, coastal, and atmospheric research. This budget subactivity has in the past been carried out pursuant to the standing authorization in "An act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture" (15 U.S.C. 311-329). It provides funds for NOAA-wide aircraft services that may also be used to cover NOAA's aircraft services duties specified by any other statute.

Section 104.—National Advisory Committee on Oceans and Atmosphere

This section authorizes appropriations of $630,000 in fiscal year 1986 and $658,350 in fiscal year 1987 for support of the National

Advisory Committee on Oceans and Atmosphere under the National Advisory Committee on Oceans and Atmosphere Act (33 U.S.C. 857-13 et seq.).

Section 201.—Ocean dumping research

This section authorizes appropriations of $10,635,000 in fiscal year 1986 and $11,113,575 in fiscal year 1987 for NOAA's ocean dumping research activities under title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441 et seq.). The activities include research on the long-term effects of pollutants in the ocean.

Section 202.—National Ocean Pollution Planning Act of 1978

This section authorizes appropriations of $3,571,000 in fiscal year 1986 and $3,731,695 in fiscal year 1987 for activities under the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.). These activities include preparation and periodic revision of 5-year plans for Federal ocean pollution research, monitoring, and coordination.

Section 203.—Nonliving marine resources

This section authorizes appropriations of $2,000,000 in fiscal year 1986 and $2,090,000 in fiscal year 1987 for NOAA's activities relating to nonliving marine resources under "An act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes" (33 U.S.C. 883a et seq.) and any other law involving such activities. The activities include research, development, and licensing responsibilities pertaining to ocean thermal energy conversion and the seabed mining of maganese nodules, and polymetallic sulfide research and analyses.

Subsection (b) clarifies that the appropriations authorized in subsection (a) are in addition to those authorized under the following laws:

(1) The Deep Seabed Hard Minerals Resources Act (30 U.S.C. 1401 et seq.); and

(2) The Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.).

Section 204.—Ocean research

This section authorizes appropriations of $28,471,000 in fiscal year 1986 and $29,752,195 in fiscal year 1987 to fund those ocean research duties specified by "An act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes" (33 U.S.C. 883a et seq.) and by any other law involving such duties. These duties include the examination of ocean dynamics and air/sea interactions to predict the global climate, undersea research on marine resource development, and ocean and Great Lakes environmental research.

Subsection (b) clarifies that the funds authorized in subsection (a) are in addition to those authorized under the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.).

Section 205.—Ocean services

This section authorizes appropriations of $20,314,000 in fiscal year 1986 and $21,228,130 in fiscal year 1987 for NOAA's ocean services duties under "An act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes" (33 U.S.C. 883a et seq.) and any other law involving such duties. The authorized activities include the coordination of interagency research on ocean dumping and marine pollution, and the prediction and provision of data concerning tides, currents, and other marine variables.

Subsection (b) clarifies that the funds authorized in subsection (a) are in addition to those authorized under the following laws:

(1) The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441 et seq.);

(2) The National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.); and

(3) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

Section 206.—Mapping, charting, and geodesy

This section authorizes appropriations of $50,474,000 in fiscal year 1986 and $52,745,330 in fiscal year 1987 for NOAA's mapping, charting, and geodesy duties under "An act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes" (33 U.S.C. 883a et seq.) and any other law specifying such duties. These functions are essential to the safety and efficiency of commercial, private, and military aviation, marine transportation, fishing, and offshore and seabed development.

In addition to its nautical and aeronautical charter functions, NOAA's Office of Charting and Geodetic Services performs important functions relating to land information systems. In order to improve the cost effectiveness, efficiency, and productivity of the Nation's land record system, the Committee notes that the office of Charting and Geodetic Services, acting through the Federal Geodetic Control Committee, will be providing leadership and enlisting the support and cooperation of other Federal agencies, State and local government, and any public or private organizations, in the development of a multipurpose land information system. Such a system will include: a reference frame consisting of a geodetic network; a series of current, accurate large-scale maps; a cadastral overlay delineating all cadastral parcels; a unique identifying number assigned to each parcel that is used as a common index of all land records in information systems; and a series of land data files, each including a parcel identifier for purposes of information retrieval and linking with information in other data files.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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Calendar No. 160

99TH CONGRESS
1st Session

SENATE

REPORT
99-75

AUTHORIZATION FOR THE ATMOSPHERIC AND SATELLITE PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

MAY 30, 1985.—Ordered to be printed

Filed under authority of the order of the Senate of May 24 (legislative day, April 15), 1985

Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1103]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1103) to authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF BILL

S. 1103, as reported, authorizes fiscal year 1986 appropriations of $742,328,000 for atmospheric and satellite programs of the National Oceanic and Atmospheric and for NOAA activities the National Climate Program Act and the Weather Modification Reporting Act. The bill also establishes standards and procedures relating to closure or consolidation of any National Weather Service office and relating to contracting for private performance of any NOAA activity.

BACKGROUND AND NEEDS

NOAA's atmospheric and satellite programs comprise about 60 percent of the current NOAA budget. Legislation (S. 1097) passed by the Congress during the 98th Congress to authorize appropriations for these programs was vetoed by the President. The commit-

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tee supports the enactment of similar legislation in the 99th Congress.

The atmospheric programs consist primarily of the activities of the National Weather Service (NWS). The committee recognizes that the programs and services of the NWS are of critical importance to the safety and welfare of all Americans.

The collection, analysis, and dissemination of weather data by the NWS are the primary means by which all U.S. weather forecasts are developed. Many of these activities are carried out within the public warning and forecast subactivity. The committee is concerned that the administration has proposed to reduce funding for the subactivity by $23 million. Testimony received by the committee at hearings on NOAA funding indicated that recent budgetary trends have threatened the adequacy of funding for warning and forecast preparation, and the committee is concerned that a reduction in funding for public warning and forecast services may lead to serious degradation of weather services.

The committee also believes that decisions by NOAA to close or consolidate NWS offices and to contract for private performance of NOAA activities should be preceded by proper consideration of all relevant factors. The interests of individuals and communities affected by these decisions are not always served by decisions which are based solely on cost to the Federal Government. The committee notes that the Congress has expressed a desire to establish mechanisms to review these decisions without infringing on NOAA's authority to reduce NWS offices or contract out NOAA functions pursuant to Office of Management and Budget Circular Memorandum A–76.

NOAA's satellite programs consist of procurement, operation, and maintenance of NOAA satellite systems and worldwide dissemination of satellite data. The committee recognizes the importance of NOAA's geostationary orbiting environmental satellites (GOES) and polar-orbiting satellites to weather forecasting. The committee has reviewed two important administration proposals relating to NOAA weather satellite systems.

A funding increase of $74 million in fiscal year 1986 has been requested by the administration for procurement of GOES satellites. This funding would continue development of a new generation of GOES satellites (GOES–NEXT) and would accelerate GOES procurement to avoid potential gaps in service created by the premature failure of a GOES satellite last year. The committee supports the administration's efforts to maintain a two-satellite GOES system.

The administration has proposed to eliminate one of NOAA's two polar-orbiting satellites. The committee has received testimony in support of continuation of a two-satellite system, and the committee is aware of the importance of the polar-orbiting satellites to weather forecasting, environmental monitoring, and search-and-rescue operations. The committee believes that significant cost savings would not be realized by a reduction to a single satellite. NOAA studies indicate that long-term savings associated with a one-satellite system are minimal.

Authorization for the National Climate Program Act expired at the end of fiscal year 1981. The committee supports reauthorization

of the act, as well as reauthorization of the Weather Modification Reporting Act, which has been carried out without authorization since 1981.

Legislative History

On March 22, 1985, the Subcommittee on Science, Technology, and Space held a hearing on fiscal year 1986 funding of NOAA atmospheric and satellite programs.

S. 1103 was introduced by Senator Gorton on May 8, 1985.

The bill was ordered reported without amendment by unanimous vote of the committee on May 9, 1985.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 17, 1985.

Hon. John C. Danforth,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for S. 1103, the National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Rudolph G. Penner, *Director.*

Congressional Budget Office Cost Estimate

1. Bill number: S. 1103.

2. Bill title: National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act of 1985.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science and Transportation, May 9, 1985.

4. Bill purpose: S. 1103 would authorize fiscal year 1986 appropriations totaling $742.328 million to the Department of Commerce for atmospheric and satellite programs carried out by the National Oceanic and Atmospheric Administration (NOAA). The bill would also require the Secretary of Commerce to establish certain procedures relating to the closure or consolidation of certain weather service facilities and to notify the Congress of any proposed contracting for services now performed by any NOAA employee.

The 1986 authorization level is about $76 million above the 1985 appropriation and about $91 million above the President's budget request. Most of this difference is due to the bill's assumption of a two-polar weather satellite system.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Estimated authorization level	742.3				
Estimated outlays	504.8	200.4	22.3	14.8	

The costs of this bill fall within budget function 300.

Basis of Estimate: For purposes of this estimate, it is assumed that S. 1103 will be enacted during fiscal year 1985 and that the full amount authorized will be appropriated prior to the beginning of fiscal year 1986. Outlays have been estimated on the basis of historical spending patterns for atmospheric and satellite programs.

S. 1103 would establish certain procedures for the closing or consolidating of weather service facilities and the contracting of functions now performed by NOAA employees. While the bill would not prohibit such facility closings or contracts, these procedures may delay or discourage such actions. In such cases, budgetary savings may be reduced. For example, NOAA has proposed the closing of eight weather service offices and consolidations affecting two regional offices, for a potential savings of roughly $3 million a year. Also, to date NOAA has begun evaluations on potential savings from contracting for functions performed by about 22 percent of its employees. As a result, the agency's 1986 budget request contains cost reductions of about $8 million, which it estimates could arise from contracting out certain services.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Reis.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXIV of the Standing Rules of the Senate, the committee provides the following evaluation of the regulatory impact of the legislation:

S. 1103 authorizes existing programs in five NOAA budget subactivities and reauthorizes the National Climate Program Act and the Weather Modification Reporting Act. The authorizing provisions have no additional impact on the number of individuals or businesses subject to Federal regulation, on personal privacy, or on Federal paperwork.

Title IV of the bill requires the Department of Commerce to establish standards and procedures relating to certain NOAA administrative decisions.

Section 401 requires the Secretary of Commerce to provide for public notice, comment periods, and opportunity for public hearings relating to any closure or consolidation of a NWS office. The Secretary is directed to consider specific factors and to provide

written justification for decisions to close or consolidate such offices.

Section 402 requires the Administrator of NOAA to report to the Congress prior to issuing a request for proposals of contracting for performance of NOAA activities. Reports would include any related findings or studies and the reasons for the issuance of the request for proposals or the contract.

The committee intends for these provisions to create mechanisms by which the Congress and other interested parties will be informed of the reasons for these decisions and the potential effects on individual communities. The committee expects the Department of Commerce to establish procedures for preparation and dissemination of this information. The committee does not anticipate, however, that these provisions will lead to the promulgation of regulations.

Section-by-Section Analysis

SECTION 1

The first section states the short title of the bill.

SECTION 101

Section 101 authorizes $287,592,000 for the Public Warning and Forecast Services budget subactivity. This funding level is identical to the fiscal year 1985 budget of the subactivity.

The Committee expects that this authorization level will preserve many of the programs for which reductions have been proposed by the administration. The committee intends for the authorization to provide an adequate network of weather observations, including measures of temperature, atmospheric pressure, humidity, wind speed and direction, precipitation, visibility, cloud cover, snowpack and hydrologic observations. The committee also supports the maintenance of current funding for warning and forecast preparation at Weather Service Offices and Weather Service Forecast Offices.

Section 101 is intended to provide also for the continued development of the next generation weather radar (NEXRAD) system. Testimony received by the committee was unanimous in support of timely development of NEXRAD, which is a multiagency program involving NOAA, the U.S. Air Force, and the Federal Aviation Administration.

The committee in concerned that the administration has proposed to reduce funding for NEXRAD development to study alternative technologies. The proposed study might delay the availability of NEXRAD units or result in alteration of the technical requirements which all parties agree are essential for NEXRAD. The committee move that regardless of whether such study is carried out, all interested parties agree that the original development schedule and technical requirements for NEXRAD should not be compromised. The committee notes that the NEXRAD schedule calls for limited production of NEXRAD units during fiscal year 1986, and the committee expects to be notified by NOAA of

NOAA's plans for proceeding with the scheduled production of NEXRAD in accordance with established system requirements.

SECTION 102

Section 102 authorizes fiscal year 1986 appropriations of $65,531,000 for atmospheric and hydrological research. This authorization level is equal to the fiscal year 1985 appropriation for this budget subactivity, and the committee expects that most current research programs can be continued within this funding level.

The administration has requested funding to accelerate development of a network of wind profilers. The vertical sounding of winds which the profilers will provide will greatly improve wind prediction for aircraft travel and mesoscale weather prediction. The committee recognizes the importance of accelerated development of the wind profiler.

The committee also is encouraged to see administration support for the automated surface observing systems and the advanced weather interactive processing system, which will modernize NOAA's data processing and integration.

SECTION 201

Section 201 authorizes a fiscal year 1986 funding level of $85,208,000 for satellite services. This subactivity includes operation of NOAA's geostationary (GOES), polar-orbiting, and land remote sensing satellite (LANDSAT) systems and acquisition and analysis of satellite data.

The authorization level for satellite services provided by the bill is identical to the current subactivity budget. The committee expects that current services will be maintained through fiscal year 1986.

SECTION 202

Section 202 authorizes $276,779,000 for the satellite systems which includes procurement, launch, and ground equipment for NOAA's geostationary (GOES) and polar-orbiting satellite systems. This authorization is $74 million greater than the fiscal year 1985 NOAA satellite systems budget.

The committee supports the funding increase of approximately $74 million requested by the administration for development of GOES satellites. This funding is needed to provide timely availability of a new generation of GOES satellites (GOES–NEXT) and to avoid potential gaps in GOES service caused by the premature loss of a GOES satellite in 1984.

In committee hearings following the failure of the GOES-East satellite last year, the committee learned that a replacement satellite was not scheduled for launch until May, 1986. NOAA witnesses explained that the GOES procurement schedule assumed longer satellite lifetimes than actually were occurring and that the current schedule would not provide continuous two-satellite service until the expected availability of GOES–NEXT.

The GOES satellites are essential to accurate weather forecasting. The satellites provide coverage of the entire continental

United States and surrounding areas every 30 minutes and are of immeasurable value in monitoring severe weather systems. GOES satellites track the development of weather systems in areas where there are few surface observations, such as the Gulf of Alaska and the Atlantic Ocean.

The committee endorses the administration's initiative in providing for the continued operation of two GOES satellites.

The committee also intends for this authorization to provide for the continuation of NOAA's two-satellite polar-orbiting satellite system. The administration has requested a $48 million funding reduction to eliminate one polar-orbiting satellite. The committee assumes that restoration of the $48 million will provide for the two-satellite system and for development of the advanced microwave sounding unit (AMSU).

In the view of the committee, the polar-orbiting satellites are important for weather forecasting, especially in northern regions where the curvature of the Earth obscures GOES imagery. The committee notes that the polar-orbiters are the only U.S. civilian source of global weather data and represent the U.S. commitment to the international Search-and-Rescue Satellite Aided Tracking (SARSAT) Program. The United States signed a SARSAT agreement in October, 1984, which committed the use of two U.S. spacecraft for SARSAT. The committee assumes that the United States will continue to use the polar-orbiting satellites to honor this commitment.

The AMSU is being developed by NOAA for use on the polar-orbiting satellites. Microwave sounding is an important capability because microwave units can penetrate clouds. Infrared sensors are useful only in areas which are not covered by clouds. The committee notes that AMSU development is underway and that the AMSU will generate data which will contribute greatly to NOAA forecasting models.

SECTION 203

Section 203 authorizes fiscal year 1986 funding of $25,118,000 for data and information services. This subactivity consists of the worldwide provision of environmental data and information products.

The authorization level is equal to the fiscal year 1985 budget for data and information services, and the committee anticipates no major program changes in fiscal year 1986.

SECTION 301

Section 301 authorizes $2 million to carry out the requirements of the National Climate Program Act (Public Law 95–367). The National Climate Program is intended to improve understanding of climatic processes and to coordinate Federal climate-related programs.

The committee notes that the act's authorization expired at the end of fiscal year 1981 and the committee supports the reauthorization of the Act.

SECTION 302

Section 302 authorizes $100,000 for fiscal year 1986 for the Weather Modification Reporting Act (Public Law 92-205). The act requires that all U.S. weather modification activities be reported to the Secretary of Commerce.

SECTION 401

Section 401 establishes procedures which would precede the closure or consolidation of any NWS office. The section would require the Secretary of Commerce to consider specific factors in deciding whether to close or consolidate any NWS office and to provide a written justification for any decision to carry out a closure or consolidation.

This section is not intended to infringe on NOAA's authority to manage NWS stations and offices. The committee merely intends to ensure that the effects on individual communities are considered before decisions to reduce weather services are made.

The committee notes that the Congress, in passing S. 1097 in the 98th Congress, expressed a desire to establish procedures for proper review of proposed reductions in weather services.

SECTION 402

Section 402 requires the Administrator of NOAA to report to the Congress before issuing a request for proposals or awarding any contract for the performance of NOAA activities. NOAA would be require to wait a period of 30 days on which either the Senate or the House of Representatives is in session before proceeding with such a request for proposals or contract.

The committee has received testimony and correspondence stating that NOAA decisions to contract functions pursuant to Office of Management and Budget Circular Memorandum A-76 do not always involve proper consideration of factors other than cost. Testimony received at committee hearings has indicated that some of NOAA's contracting decisions have caused degradation of services and have not resulted in expected cost savings. The committee notes that the Congress has supported this provision in the past and the committee endorses section 402, which provides an opportunity for congressional review of NOAA contracting decisions without unduly delaying NOAA's contracting decisions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

THE ACT OF DECEMBER 18, 1971

Section 6 of That Act

SEC. 6. There are authorized to be appropriated $150,000 for the fiscal year ending June 30, 1972, $200,000 each for the fiscal years

1973 through 1980, [and] $100,000 for the fiscal year ending September 30, 1981, [to carry out the provisions of this chapter.] *and $100,000 for the fiscal year ending September 30, 1986, to carry out the provisions of this Act.*

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Calendar No. 161

99TH CONGRESS
1st Session

SENATE

REPORT
99-76

RAILROAD SAFETY AUTHORIZATIONS

MAY 30, 1985.—Ordered to be printed

Filed under authority of the order of the Senate on May 24 (legislative day, April 15), 1985

Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1080]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1080) to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill do pass.

PURPOSE OF BILL

The purpose of S. 1080 is to authorize $27,975,000 and $29,094,000 for fiscal years 1986 and 1987, respectively, to support the rail safety activities of the Federal Railroad Administration [FRA]. The bill also authorizes $3,200,000 and $3,328,000 for fiscal years 1986 and 1987, respectively, to support the rail safety State participation program. Further, the bill authorizes $1,000,000 and $750,000 for fiscal years 1986 and 1987, respectively, to support the activities of the Railroad Accounting Principles Board.

S263-21

Background and Needs

RAIL SAFETY

FRA is the agency in the Department of Transportation [DOT] that is responsible for carrying out the provisions of the Federal Railroad Safety Act of 1970 (Safety Act) and other Federal railroad safety laws. FRA is authorized to issue and enforce regulations, and conduct safety-related research and development. FRA also manages the "State participation" or "grants-in-aid" program, which was established by the 1970 act. Under this program, FRA certifies States to help enforce the Federal railroad safety laws and regulations. In turn, FRA pays up to 50 percent of the state safety inspectors' salaries and expenses. Thirty-two States now participate in the program.

The authorizations for appropriations for the FRA safety program and the state participation program expired at the end of fiscal year 1984. Last year, the Committee favorably reported S. 2537 to authorize funding for both programs in fiscal years 1985 and 1986. However, the Senate did not act on the bill, although fiscal year 1985 appropriations were provided for both the Federal and State programs.

This year, the administration proposed to authorize funding for fiscal years 1986 and 1987 to support FRA's safety program. However, it proposed no Federal matching funds for the State participation program.

RAILROAD ACCOUNTING PRINCIPLES BOARD

The Staggers Rail Act of 1980 authorized the establishment of the Railroad Accounting Principles Board (Board) for the purpose of developing accounting principles to govern how freight railroads cost out their transportation service. This board was to be comprised of seven members, to be chaired by the Comptroller General of the General Accounting Office and comprised of representatives of the accounting and economics professions; the rail industry; the shipping community; and the Interstate Commerce Commission [ICC]. Congress intended the new principles developed by the Board more accuracy in costing and costing more tailored to specific rail movements. Once developed, the new principles were to be adopted by the ICC to be used in its proceedings to determine whether particular railroad rates are reasonable.

The Staggers Act provided a 3-year authorization of $1 million annually for the Board, which expired in fiscal year 1983. However, Congress did not appropriate funds for the Board until fiscal year 1984. Last year, the Committee favorably reported S. 2537, which authorized funding for the Board for another three years starting in fiscal year 1984. However, as noted above, S. 2537 was not passed by the Senate. Nonetheless, the Congress appropriated $1 million for the Board for fiscal year 1985. The fiscal year 1985 appropriations have enabled the Board finally to start operations. This year, the administration proposed funding for fiscal year 1986 to support the Board's activities.

Legislative History

On May 6, 1985, the Surface Transportation Subcommittee held a hearing to consider appropriate funding levels for fiscal years 1986 and 1987 to support FRA's rail safety activities. During the hearing, the Committee reviewed the railroad industry's safety record, the rulemakings and safety inquiries initiated or completed by FRA, and FRA's compliance and enforcement program. The subcommittee also considered the administration's proposal to end funding for the State participation program, and railroad labor's proposal to change the rail safety laws through a series of amendments. FRA, railroad labor, the rail industry, and State representatives testified at the hearing. The subcommittee also received written statements from other State representatives in support of continued funding for the State participation program.

Following the hearing, Senator Packwood introduced S. 1080 on May 6. The bill authorizes funding for FRA, the State participation program, and the Railroad Accounting Principles Board. On May 9, 1985, the Committee met in open executive session to consider S. 1080. The Committee by voice vote unanimously ordered the bill favorably reported with technical amendments.

Summary of Major Provisions

TITLE I—RAILROAD SAFETY

Authorization of funding for FRA

The Committee strongly supports FRA's railroad safety program and its efforts to make additional improvements in railroad safety. Accordingly, the bill approved by the Committee authorizes appropriations for FRA of $27,975,000 and $29,094,000 for fiscal years 1986 and 1987, respectively. The authorization for fiscal year 1986 is slightly higher than the administration's request, because it does not assume a 5-percent pay reduction. The authorization for fiscal year 1987 provides for the continuation of the program at the same activity level, assuming a 4 percent increase for inflation. The funding under these authorizations is to be used to support FRA's regulatory and enforcement activities. Separate funding for FRA's conduct of safety-related research and development is provided pursuant to DOT's continuing appropriations.

In the course of approving funding for FRA, the Committee examined closely the effectiveness of FRA's safety program. The program appears to be working well. Since 1980, there have been improvements in the railroad industry's statistics on train accidents, fatalities, and injuries.

Further, FRA has undertaken to improve the regulatory aspect of its safety program by completing a number of outstanding rulemaking and setting priorities for new ones. In particular, FRA expects to issue a final rule soon on alcohol and drug abuse. This is an area of special interest to the Committee, and on which the Committee held a hearing last year. This year, the Committee expects to hold a followup hearing. Accordingly, the Committee strongly urges FRA to complete this rulemaking by early summer.

Another area of special interest to the Committee is rail-highway grade crossing safety. Since 1980, grade crossing accidents have declined by 25.3 percent. Despite this improvement, grade crossing accidents continue to represent the majority of all rail-related accidents and fatalities. During the hearing, Mr. John Riley, the Administrator of FRA, testified that the agency had initiated a safety inquiry to determine what regulatory or other actions should be taken to further improve this situation. Further, he stated that FRA currently is analyzing the comments it received during public hearings on this subject. Last year, the Committee included a provision in S. 2537 that directed FRA to initiate a safety inquiry on grade crossing safety. While that bill was not taken up by the full Senate, the Committee is pleased that FRA has proceeded with the inquiry. Once FRA completes the inquiry, the Committee requests that it report to the Committee on what actions it recommends be taken.

For 1985, FRA has identified six other areas that may require regulatory action, including radio communications and crew safety in locomotives. It is critical for FRA to set priorities for itself in the regulatory area. If the agency does not do so, or if it is directed to do low-priority rulemakings, overall rail safety could actually decline, because FRA's time and resources are limited and therefore must be put to the greatest and best use.

In reviewing FRA's safety program, the Committee also examined the agency's enforcement efforts. These efforts now take a number of different forms, including routine compliance inspections, systemwide assessments of railroads, conferences with carrier officials, assistance in training employees, and enforcement of the safety laws through sanctions such as civil penalties. Each of these forms of enforcement contributes to carrier compliance with the rail safety laws, and the Commerce supports FRA's continued use of all of them in its program. In particular, the Committee notes the full complement of 325 inspectors hired by FRA, which would be increased by 60 under the fiscal year 1986 authorization in the reported bill; the 60 percent increase in FRA inspections between 1980 and 1984; and the increase from 1980 in civil penalty collections.

With respect to systemwide safety assessments, last year, Mr. Riley testified that FRA intended to accelerate their use. Such assessments are helpful, because they provide FRA with the opportunity to gain an overall view of the railroad's safety program, and to address systemic problems. In 1984, FRA completed systemwide assessments on five railroads, including Amtrak and the Burlington Northern [BN]. Amtrak and BN both were involved in several serious rail accidents in 1984, which raised concerns about the carriers' operations. In fact, last year the Committee held a hearing on Amtrak safety. During this year's safety hearing, Mr. Riley testified that FRA's findings on Amtrak were encouraging, although FRA had identified some areas in need of improvement. While the final report on BN's assessment is not yet complete, Mr. Riley stated that he expected the report to lead to significant improvements in certain aspects of the carrier's operations.

State participation program

The Committee continues to support the State participation program, pursuant to which those States that adopt FRA railroad safety regulations are authorized to nelp enforce them. Accordingly, the bill authorizes appropriations for the program of $3,200,000 for fiscal year 1986, which assumes continuation of the current activity level, and $3,328,000 for fiscal year 1987, which represents a 4 percent inflation increase over fiscal year 1986. The funding under these authorizations is to be used to help pay the salaries and expenses of the State inspectors.

The State participation program was established to strengthen the Federal enforcement effort. The Committee believes that the program is meeting this objective, and that it has helped improve rail safety. A number of witnesses testified to this effect during the hearing, including Mr. Riley on behalf of FRA.

While Mr. Riley testified that the program was worthwhile, however, he said that Federal matching funds for the program should be ended. His position was that Federal resources are limited and that most States would remain in the program even without Federal funding, and therefore, that it made little sense to continue the funding.

However, State witnesses testified that many States would drop out or reduce their involvement in the program if Federal funding were eliminated. They also pointed out that the total amount of Federal funding involved in this program is small; that it is cost-effective since it promotes State funding for supplementary inspectors and enforcement efforts that would otherwise need to be funded totally at the Federal level; and that it promotes uniform safety enforcement with incentives for State involvement in a Federal program.

In view of these comments, the Committee is concerned that if States were to drop out or to reduce their involvement in the program, railroad safety would be adversely affected. Further, too much time and effort have been invested in the State participation program to allow such a result. Under the circumstances, the Committee believes funding for this program should be continued.

Other statutory changes

S. 1080, as reported by the Committee, makes one substantive change in the Federal Railroad Safety Act of 1970. This change simply clarifies FRA's authority to seek court enforcement of its subpoenas.

During the hearing, representatives of railroad labor recommended that the Committee consider a number of other amendments to the Safety Act similar to those which they proposed last Congress. These amendments would:

1. Authorize employees and their unions to bring a court suit to require FRA to enforce any violation of the safety laws—currently, employees can bring such suits only when necessary to protect themselves against imminent physical injury;

2. Require FRA to issue rules dealing with maintenance, inspection, and testing of signal systems at rail-highway grade crossings;

3. Require FRA to issue rules setting qualification standards for employees who perform brake tests and other terminal inspections;

4. Require FRA to issue rules dealing with training and work standards for train dispatchers;

5. Authorize employees either to bring a court suit or to present a claim under the procedures of the Railway Labor Act for punitive damages in cases of employer harassment—currently, employees may present their claims only under the Railway Labor Act, and are entitled only to reinstatement and backpay;

6. Prohibit FRA from disclosing the name of any employee who files a complaint alleging a safety violation, unless FRA files a court suit; and

7. Authorize employees and their unions to file their own accident reports with FRA in cases where the railroads file reports attributing the cause of the accident to "human error."

The Committee did not include any of these amendments in the bill. The amendment dealing with enforcement suits against FRA is one that would undermine FRA's appropriate ability to exercise prosecutorial discretion and would direct FRA resources away from other important enforcement efforts, without any evidence that FRA has not been enforcing the laws in a reasonable manner. Furthermore, under current law, employees who may be exposed to imminent physical harm already can seek a court order to compel FRA to mandate the correction of a safety violation. Under these circumstances, the additional authority to bring suit is not necessary. Moreover, Mr. Riley testified that DOT would recommend a veto of any bill that included this amendment.

The two amendments dealing with grade crossing safety and brake tests address matters that FRA either is currently reviewing or expects to review in the future. Specifically, FRA has underway a grade-crossing safety inquiry and has indicated the commencement shortly of a review of the power brake inspection rules. Accordingly, legislation is unnecessary. On the dispatcher training amendment, FRA advised the Committee that it has not established national training standards, because the responsibilities and operating practices assigned to dispatchers vary widely from region to region and carrier to carrier. Further, it has not observed a pattern of training-related problems that would justify the investment of resources in a rulemaking on dispatcher training. In any event, FRA already monitors compliance with industry training and work standards.

Regarding the harassment amendment, the Committee wishes to make clear that it believes that employees should be encouraged to report safety-related problems, and should be protected against retaliatory actions by management. Current law, which is based on the whistle-blower provision in the Occupational Safety and Health Act [OSHA], does provide such encouragement and protection. Furthermore, there are several problems with labor's proposed amendment. First, it would give railroad employees rights that no other employees in the country have—the right to pursue harassment claims directly in court and the right to be awarded punitive damages. Second, the amendment could have an adverse impact on the

Federal courts due to increased litigation. Third, discharged employees, like the employee cited by rail labor in its testimony, have a remedy under the current law in the form of reinstatement and backpay. Further, under the procedures of the Railway Labor Act, claims involving reinstatement, including ones based on harassment allegations, are given expedited consideration.

Finally, the two reporting amendments are unnecessary. Mr. Riley has assured the Committee that FRA's policy is not to disclose the name of any employee who complains about a safety violation, unless the employee agrees to such disclosure. Further, if a violation can be established only by the testimony of the employee and the employee chooses not to disclose his or her name, then FRA does not prosecute the case. With respect to the accident report amendment, the current law provides a sufficient deterrent against any false reporting by the railroads. The amendment would impose unnecessary paperwork.

TITLE II—RAILROAD ACCOUNTING PRINCIPLES BOARD

The Committee believes that the goals Congress had in mind when it approved the creation of the Board are still valid. Accordingly, the bill approved by the Committee authorizes appropriations for the Board of $1 million for fiscal year 1986 and $750,000 for fiscal year 1987. This funding will permit the Board to develop railroad accounting principles, review the accounting principles and costing system being used by the ICC, and make any appropriate recommendations to Congress by the end of fiscal year 1987.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and Section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 14, 1985.

Hon. JOHN C. DANFORTH,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1080, a bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 1080.

2. Bill title: A bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science and Transportation, May 9, 1985.

4. Bill purpose: The bill authorizes the appropriation of $31.2 million for fiscal year 1986 and $32.4 million for fiscal year 1987 for rail safety programs. S. 1080 also authorizes $1 million for fiscal year 1986 and $750,000 for fiscal year 1987 for the Railroad Accounting Principles Board.

The 1986 authorization for the safety program is $3.9 million above the President's request. The President requested no funding for grants to states for the railway safety program, while this bill authorizes $3.2 million in fiscal year 1986 for that purpose. The bill includes the same authorization level for the Railroad Accounting Principles Board as the President requested.

The bill also includes an amendment to the Federal Railroad Safety Act of 1970 that gives the federal district courts jurisdiction to enforce subpoenas and requests for production of documents.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Authorization level	32.2	33.2			
Estimated outlays	24.3	32.9	8.2		

The costs of this bill fall within budget functions 400 and 800.

Basis of estimate.—This estimate assumes that all funds authorized by the bill will be appropriated prior to the beginning of the fiscal year. Outlay estimates are based on historical spending rates.

There is no cost associated with the amendment to the Federal Railroad Safety Act of 1970. Under section 208 of the act, the Secretary of Transportation is authorized to issue subpoenas and require production of documents. However, there is no specific provision for the enforcement of subpoenas and orders in court. The technical amendment would clarify that the federal district courts have jurisdiction to enforce such subpoenas and orders.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Heidi Zukoski.

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation:

NUMBER OF PERSONS COVERED

Title I will have no effect on the number of individuals or businesses subject to additional regulation. Title II will have some effect in the sense that it provides for the development of accounting principles by the Railroad Accounting Principles Board, which are to be adopted by rail carriers subject to the jurisdiction of the ICC. These accounting principles could replace existing ICC accounting principles that the rail carriers now use. The Committee believes that overall the additional regulation is minimal, and that the value of the Board's principles to shippers and rail carriers outweigh what effect exists.

ECONOMIC IMPACT

Title I will have no economic impact on individuals or business subject to regulation. Title II will result in some additional costs for rail carriers due to the requirement that they adopt the accounting principles developed by the Railroad Accounting Principles Board. However, such costs are not expected to be significant.

PRIVACY

Neither title I nor title II will have any effect on the personal privacy of individuals.

PAPERWORK

Title I will not result in any additional paperwork. Title II will require additional paperwork for rail carriers when they adopt the accounting principles developed by the Railroad Accounting Principles Board. However, such additional paperwork will be a one-time occurrence, and therefore not significant.

SECTION-BY-SECTION ANALYSIS

SECTION 101—ENFORCEMENT OF SUBPENAS AND ORDERS

This section amends section 208 of the Federal Railroad Safety Act of 1970 to clarify FRA's authority to seek enforcement by the Attorney General of a subpena or other order issued under the safety act through a proceeding in an appropriate Federal district court.

SECTION 102—AUTHORIZATION OF APPROPRIATIONS

This section amends section 214 of the Safety Act to authorize appropriations of $27,975,000 and $29,094,000 for fiscal years 1986 and 1987, respectively, to support FRA's safety functions. It also authorizes $3,200,000 and $3,328,000 for fiscal years 1986 and 1987, respectively, to support the State participation program.

SECTION 201—AMENDMENTS TO TITLE 49, UNITED STATES CODE

This section amends title 49 of the United States Code to extend the life of the Board and make certain amendments consistent with this extension. The Board was originally authorized in the Staggers Rail Act of 1980 for a 3-year period. This section authorizes appro-

priations of $1 million and $750,000 for fiscal years 1986 and 1987, respectively, to support the Board's activities.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

THE FEDERAL RAILROAD SAFETY ACT OF 1970

Section 208 of That Act

SEC. 208. GENERAL POWERS.

(a) In carrying out his functions under this title the Secretary is authorized to perform such acts including, but not limited to, conducting investigations, making reports, issuing subpenas, requiring production of documents, taking depositions, prescribing record-keeping and reporting requirements, carrying out and contracting for research, development, testing, evaluation, and training (particularly with respect to those aspects of railroad safety which he finds to be in need of prompt attention), and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of railroad facilities, equipment, rolling stock, operations, or persons as he deems necessary to carry out the provisions of this title. *In case of contumacy or refusal to obey a subpena, order (other than an order directing compliance with this Act), or directive of the Secretary issued under the first sentence of this subsection by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation an order requiring immediate compliance with any such subpena, order, or directive. Failure to obey such court order may be punished by the court as a contempt of court.* The Secretary is further authorized to issue orders directing compliance with this Act or with any railroad safety rules, regulation, order, or standard issued under this Act; the district courts of the United States shall have jurisdiction, upon petition by the Attorney General, to enforce such orders by appropriate means.

(b)–(d) * * *

Section 214 of That Act

SEC. 214. AUTHORIZATION FOR APPROPRIATIONS.

(a)–(b) * * *

(c)–(1) * * *

(2) To carry out the provisions of section 206(d) of this title relating to State safety programs, there are authorized to be appropriated not to exceed $2,700,000 for the fiscal year ending September 30, 1983, [and] not to exceed $2,900,000 for the fiscal year ending September 30, 1984, *not to exceed $3,200,000 for the fiscal year*

ending September 30, 1986, and not to exceed $3,328,000 for the fiscal year ending September 30, 1987.

(3) * * *

(d) There are authorized to be appropriated to carry out the provisions of this Act, except section 206(d) of this title and except for conducting safety research and development activities under this Act, not to exceed $27,975,000 for the fiscal year ending September 30, 1986, and not to exceed $29,094,000 for the fiscal year ending September 30, 1987.

[(d)] *(e)* Sums appropriated under this section for research and development, automated track inspection, and the State safety grant program are authorized to remain available until expended.

Title 49, United States Code

Section 11161 of That Title

§ 11161. Railroad Accounting Principles Board

(a)–(e) * * *

(f) The Board shall cease to exist three years after the [effective date of the Staggers Rail Act of 1980] *members of the Board are appointed under this section.*

Section 11162 of That Title

§ 11162. Cost accounting principles

(a) Within two years after the [effective date of the Staggers Rail Act of 1980], *members of the Board are appointed under section 11161 of this title,* the Railroad Accounting Principles Board shall establish, for rail carriers providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title, principles governing the determination of economically accurate railroad costs directly and indirectly associated with particular movements of goods, including the variable costs associated with particular movements of goods or such other costs as the Board believes most accurately represent the economic costs of such movements. Such principles shall govern the determination of all railroad costs for specific regulatory proceedings under this title.

(b)–(c) * * *

Section 11167 of That Title

§ 11167. Report

The Railroad Accounting Principles Board shall, within 2 years after the [effective date of the Staggers Rail Act of 1980] *members of the Board are appointed under section 11161 of this title,* submit to the Congress a report setting forth any recommendations of the Board for appropriate legislative or administrative action in order to integrate the cost accounting principles and the cost accounting system certification process under this subchapter into existing rail carrier rate regulation under this title, including determinations under section 10709 of this title.

Section 11168 of That Title

§ 11168. Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this subchapter not to exceed $1,000,000 for the fiscal year ending September 30, 1981, not to exceed $1,000,000 for the fiscal year ending September 30, 1982, [and] not to exceed $1,000,000 for the fiscal year ending September 30, 1983, *not to exceed $1,000,000 for the fiscal year ending September 30, 1986, and not to exceed $750,000 for the fiscal year ending September 30, 1987.*

○